

EXHIBIT 5

Kapaloski, Tammy

From: Patrick McGill <PMcGill@sheppardmullin.com>
Sent: Thursday, September 29, 2022 11:49 PM
To: Kapaloski, Tammy
Cc: Lisa Martens; Martin Bader; LButler@parsonsbehle.com; NThomas@parsonsbehle.com; Foster, Brett; Stucki, Sherri
Subject: RE: Blendtec v. BlendJet - Letter re Blendtec's Document Productions

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Tammy,

Thank you for your response. We confirm that BlendJet will be making a production shortly that constitutes – at least – substantial completion of its production of all responsive non-custodial documentation that BlendJet has agreed to produce to date in response to Blendtec's discovery requests. BlendJet is not presently withholding any responsive documentation (or portions of any documentation) on the basis of an applicable privilege.

The zip file of the production is over 13 gigabytes, so we are just confirming the best way to serve it on Blendtec with our Litigation Support team.

We obviously disagree with a number of points made in your letter – many of which are moot in light of BlendJet's forthcoming production. Nevertheless, we take note of Blendtec's express commitment to "substantially complete its production of non-custodial documents by or on September 30, 2022," and to produce its privilege log "by or on October 7, 2022." We will look forward to receiving that production later today or tomorrow, and the privilege log on or before Oct. 7. BlendJet reserves all rights to challenge the sufficiency of Blendtec's forthcoming production(s) and assertions of privilege, and to raise any deficiencies found therein with respect to the scope of the production(s) relative to BlendJet's requests for production.

With respect to the scheduling of the ESI Custodian Conference, we agree to your proposed timing: (1) exchange of job descriptions/functions by October 5, and then (2) holding of the ESI Custodian conference during the week of October 10. Please provide your availability on Oct. 10-12 for scheduling of the Conference. We can briefly confer with respect to the proper scope of Blendtec RFP No. 20 at that time.

Sincerely,
Patrick

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From: kapaloski.tammy@dorsey.com <kapaloski.tammy@dorsey.com>
Sent: Thursday, September 29, 2022 2:44 PM
To: Patrick McGill <PMcGill@sheppardmullin.com>
Cc: Lisa Martens <LMartens@sheppardmullin.com>; Martin Bader <MBader@sheppardmullin.com>;